

REMARKS

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

The Applicant has cancelled without prejudice Claims 1 through 7 related to the non-elected features. Other claims have been cancelled as indicated, and other changes have been made to the claims. These changes meet all the requirements under 35 U.S.C. § 112, and also overcome the rejections over the cited art.

In particular in Claim 8 there is defined a flashlight with a battery pack which closes the opening for the battery housing. It is solely the battery pack when it is correctly located in the housing which has a battery pack base which alone closes the distal end of the battery housing.

In Claim 14 as amended, the rectangular cross-section of the housing is defined such that the depth of the housing is about half the width of the housing.

In Claim 22 as amended, the rechargeable battery pack is locatable in the battery housing by interlocking elements biased into engagement. There are contacts which extend outwardly from the battery housing to permit contact with a recharger.

In Claim 24 there is a carrier for a rechargeable battery pack. The arrangement is such that in a first operative sense, the carrier and rechargeable battery pack are located in a first position, and in a second operative sense when located in the flashlight there is a relatively reversed relationship.

New Claims 27 and 30 are directed to a combination of the flashlight and recharger device. These claims incorporate essentially the contents of Claims 1 and 8, and additional characteristics.

The features of all the claims as now submitted are clearly distinguishable from the art applied by the Examiner. This art neither anticipates nor renders obvious the invention as defined in the claims as now submitted.

A brief discussion of this art is appropriate.

The reference of Hasenberg (U.S. Patent 5,465,196) relates to an electric utility lamp wherein there is a hollow distal end portion for receiving a rechargeable battery pack. There is no base to the battery housing which includes contacts which extend from a position of the battery pack inside the battery housing to a position on a base of the battery pack wherein the contacts on the base extend outside the battery pack. In particular, there are no contacts which permit for the battery pack to be located on a recharger such that the contacts on the recharger electronically engage outside of the battery pack. The construction of Hasenberg is totally different. There is no indication that Hasenberg has a construction where recharging is possible when the battery pack is in the operative position in the utility lamp. The device is totally different conceptually and structurally from that of the present invention as claimed.

The reference of Sharrah (U.S. Patent 5,871,272) is different since it does not have a construction where there is a battery pack which alone closes the distal end of the battery housing. In particular, Sharrah has a closure cap which is threadingly formed to provide a locking ring around the external body of the flashlight. Sharrah is a multi-component device which is complex in construction relative to the present invention. Moreover, Sharrah has circular flashlight body, or certainly non-rectangular flashlight body. This is also a construction which is different to that defined in some of the claims for the present invention.

The reference to Zelina (U.S. Patent 4,605,993) does disclose an essentially square flashlight body. There is, however, no battery pack in Zelina wherein a battery pack when located in the housing closes the distal end of a battery housing. The configuration is totally different, and it appears that the closure to the Zelina body is a bottom closure 17 which is provided at the bottom of the light. There are simply no structure construction or operable features as set out in the claims as now presented. Clearly, Zelina has a square construct, different from the rectangular construct which is defined in some of the claims, wherein the depth of the housing is about half the width of the housing. This is not a minor configuration as set out for instance in Claim 14. This claimed configuration permits for a comfortable handling

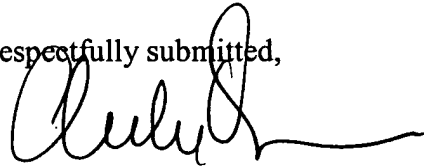
of the flashlight in the hand of a user. Accordingly, the feature as set out in Claim 14, for instance, has patentably distinguishing features from that of the cited art.

The reference of Monteleone (U.S. Patent 5,904,414) does not add anything significant. Monteleone essentially refers to a circular flashlight with certain facets. They are facets to facilitate handling of such a flashlight. This could hardly be considered as a separable grip sleeve as set out in Claim 17. None of the other characteristics of the flashlight of the present invention and/or its recharging characteristics are remotely taught or disclosed in Monteleone.

In summary, it is clear that the present invention as now claimed is clearly distinguishable from any one or more of the cited references, whether these references are considered singly or together. To read any of the references differently would be an inappropriate hindsight consideration of the prior art. This would clearly be an incorrect approach.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



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